

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND**

STEPHAN MELISE,	:	
Plaintiff	:	
	:	
	:	
v.	:	C.A. No.: 1:17-cv-00490-MSM-PAS
	:	
	:	
COYNE-FAGUE, et al.	:	
Defendants	:	

MOTION TO EXTEND AND STAY ALL PRE-TRIAL DEADLINES

Plaintiff Stephan Melise hereby moves to amend the scheduling order by extending the factual discovery closure date to the present and to then stay all pre-trial dates pending further order of this Honorable Court. Defendants RIDOC, Patricia Coyne-Fague, A.T. Wall, and Kerri McCaughey did not consent to this motion. Defendants Fred Vohr and Jennifer Clarke did not express any objection to Plaintiff's motion. As grounds for this motion and in support thereof, Plaintiff avers as follows.

Prior to the end of factual discovery, Plaintiff filed an oral motion to compel during a conference with this Court, wherein it was discussed that the factual discovery deadline was set to expire at the end of February. Due to that looming deadline, a short schedule was established for Defendants to file an objection and Plaintiff to reply. Plaintiff believed it was the understanding of the parties and the Court that the factual discovery deadline, and all other deadlines, would be extended in the event that the Court granted Plaintiff's motion to compel discovery responses. Pursuant to this Court's text order dated April 15, 2020, Plaintiff's motion to compel was granted and Defendant DOC is ordered to produce the requested records within 60 days. However, this Court's order did not address pretrial deadlines.

Plaintiff originally requested the records subject to this Court's order in July of 2019, nearly a year ago. Any delay in obtaining the requested discovery has been caused by Defendant DOC, which prompted Plaintiff to request at least two conferences with this Court and to file a

motion to compel. Plaintiff anticipates that Defendants will produce hundreds of pages of records that could be significant and require follow-up discovery for Plaintiff to adequately pursue his case. Plaintiff requires that the factual discovery deadline be extended in order to review Defendant DOC's ordered discovery responses and submit any additional discovery requests, including but not limited to interrogatories and requests for admissions that may arise in response to Defendant DOC's responses. Plaintiff is disappointed that Defendant DOC continues to make this process contentious, litigious, and time consuming for the parties and this Court given that it refuses to consent to any extension, even though, but for its refusal with its basic discovery demands, no extension would have been necessary as Plaintiff would have received these documents in 2019 and thus would have had plenty of time for review and follow-up prior to the close of factual discovery. Plaintiff believes this request to extend and stay all discovery deadlines to be reasonable under the circumstances and this type of motion would ordinarily require very little time on behalf of this Court. Unfortunately, Defendant's position requires this Court to address an unnecessarily contested motion.

For all the foregoing reasons, Plaintiff believes that the additional time requested is necessary to resolve the remaining discovery issues and conduct any additional factual discovery that may be necessary as a consequence thereof. As such, the Plaintiff respectfully requests that this motion be granted.

Plaintiff,
By his attorney,

Dated: May 5, 2020

/s/ Chloe A. Davis
Chloe A. Davis, Esq. Bar No. 9334
Sinapi Law Associates, Ltd.
2374 Post Road, Suite 201
Warwick, RI 02886
Phone: (401) 739-9690
Email cad@sinapilaw.com

CERTIFICATION

Jeffrey G. Latham, Esquire
Christine A. Stowell, Esquire
Tate & Latham
40 Westminster Street, Suite 350
Providence, RI 02903
(401) 421-7400
jlatham@tatelawri.com
cstowell@tatelawri.com

Justin J. Sullivan, Esquire
Lauren E. Hill, Esquire
Department of the Attorney General
State of Rhode Island
150 South Main Street
Providence, RI 02903
401-274-4400
jjsullivan@riag.ri.gov
lhill@riag.gov

I hereby certify that on **May 5, 2020**, a true copy of the within was filed electronically via the Court's CM/ECF System. Notice of this filing will be sent by e-mail to all parties by operation of the Court's electronic filing system and the filing is available for viewing and downloading from the Court's CM/ECF System. Service on the counsel of record listed above has been effectuated by electronic means.

/s/ Chloe A. Davis